

# Fish Restoration Program Agreement (FRPA)

## California Department of Water Resources and California Department of Fish & Game



## Frequently Asked Questions

### Description of the Fish Restoration Program Agreement

#### 1. What is the Fish Restoration Program Agreement (FRPA)?

FRPA is an interagency agreement between the California Department of Water Resources (DWR) and the California Department of Fish and Game (DFG). The agreement calls for both agencies to carry out aquatic habitat restoration required by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Biological Opinions (BiOps) for the State Water Project (SWP) and Central Valley Project (CVP) operations as well as the DFG Longfin Smelt Incidental Take Permit. The FRPA Implementation Strategy explains how the goals of FRPA will be accomplished and lays out a course to meet the requirements in the Biological Opinions and Incidental Take Permit. The plan was completed in March 2012.

#### 2. How much restoration is required under FRPA?

The FRPA program is required to restore 8,000 acres of tidal habitat in the Delta and Suisun Marsh, including 800 acres of low salinity zone habitat, as required by the Biological Opinions and DFG's Incidental Take Permit.

#### 3. What is FRPA's general restoration area?

FRPA's general restoration area is within the Delta, Suisun Marsh and Yolo Bypass.

#### 4. What is an Incidental Take Permit?

Under the California Endangered Species Act (CESA), an Incidental Take Permit, issued by DFG, allows the "take" of State listed species for a project or action if specific criteria are met, including measures to minimize and mitigate the impacts to the listed species.

#### 5. What is a Biological Opinion?

A Biological Opinion is a decision by a federal regulatory agency (either USFWS or NMFS) on the

likely impacts that a project may have on species listed under the federal ESA. A Biological Opinion includes a list of alternatives or mitigation measures that are required by the regulatory agency (such as USFWS) in order to receive a federal permit authorizing "take" under the ESA and to avoid or minimize project impacts on the listed species.

### FRPA Implementation

#### 6. What is the timeline for implementation of the FRPA Program?

The USFWS Biological Opinion allows DWR 10 years to implement restoration of the required 8,000 acres. FRPA has acreage target milestones for years four, six, eight and ten of the interagency agreement, consistent with the 10-year time period established by the Biological Opinion.

#### 7. How much will the Fish Restoration Program established by FRPA cost to implement?

With the requirement to restore 8,000 acres, including the costs for land acquisition, land management, planning, design, permitting, monitoring, adaptive management, construction, post-project management, staff and consultants, implementing FRPA is estimated to cost at least \$200 million over 10 years. FRPA is 100% funded by SWP funds (paid by the State Water Contractors' fees to DWR) and includes no State general funds or voter-approved bond funds.

#### 8. Who decides what land gets restored and have any lands been identified?

Some restoration sites have been selected and are either existing public lands or are lands purchased from willing sellers. Suitable sites will be selected based on their ability to meet the FRPA goals and will be evaluated by multi-agency and public review processes before they are accepted. The public will have the opportunity to provide input on proposed restoration sites and actions at various points in the planning process.

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### 9. What criteria are being used by FRPA to determine whether land is suitable for restoration?

FRPA is focusing on areas that are most suitable for tidal restoration. These areas are primarily in the north Delta and Suisun Marsh, rather than in the central or interior Delta where subsidence has reduced the suitability of terrestrial areas for tidal marsh restoration. Land elevation is an important attribute when looking at tidal restoration; however, other criteria such as public ownership, connectivity with existing habitats, proximity to other current or potential areas of restoration and willing landowners will be considered when looking for areas to restore.

### 10. How is DWR going to find 8,000 acres of land to restore?

Restoration site selection will focus first on identifying suitable State or publicly owned lands, and second on purchasing fee title or conservation easements from willing sellers. However, at key milestones in the implementation schedule there may be instances when this preferred approach is difficult. In this unlikely event, FRPA may take additional steps, including but not limited to the following:

- Conducting additional outreach and provide additional incentives to landowners to find and secure willing sellers,
- Adjusting the land acquisition strategy to meet the biological objectives for covered species in other ways, or
- Deferring projects until willing sellers are available.

### Potential Impacts on Landowners, Agriculture, Resource Use and Local Economies

### 11. How will FRPA impact agricultural resources or other economic interests in the Delta?

Under FRPA, habitat restoration will be designed and implemented with the goal of minimizing impacts to agriculture and the regional economies of the Delta, Suisun Marsh and Yolo Bypass.

### 12. How will hunting, fishing and other recreation opportunities be affected?

Where consistent with the FRPA species and habitat goals, properties restored by FRPA will have public use opportunities incorporated in their long-term management. It is expected that implementation of the FRPA program will result in an increase of a variety of public use opportunities.

### 13. How will the public, including landowners, be involved in the program?

Public involvement, including coordination with landowners and local agencies, will occur throughout FRPA's implementation. Specifically, public participation will be solicited during the planning and design phases of specific projects as well as in periodic planning update meetings. These opportunities will allow stakeholders to exchange information, discuss concerns and provide input. Public involvement will also be sought during the preparation of the environmental documents necessary to implement any project in compliance with the California Environmental Quality Act (CEQA) as defined by State law.

### Relationship of FRPA to other Delta Restoration Programs

### 14. How is FRPA related to the Bay Delta Conservation Plan (BDCP)?

The primary objective of FRPA is to implement the aquatic habitat restoration requirements of the Biological Opinions and the Incidental Take Permit. The restoration actions established in these documents are required regardless of the BDCP. However, FRPA is coordinating with BDCP and other planning efforts in the Delta and Suisun Marsh. Should BDCP be implemented, FRPA restoration actions are likely to be considered "early implementation actions" for BDCP habitat restoration requirements.